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C O N F I D E N T I A L SECTION 01 OF 03 BERN 000513

C O R R E C T E D C O P Y (REMOVE SENSITIVE CAPTION)

SIPDIS

EUR/CE (Y.SAINT-ANDRE) AND EUR/PGI (I.WEINSTEIN)

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TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [SZ](#)

SUBJECT: SWISS VOTERS STUN GOVERNMENT BY APPROVING "MINARET
BAN"

REF: A. BERN 507

[1](#)B. 30NOV09 E-MAIL TO EUR-PRESS

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Classified By: Ambassador Donald S. Beyer; reasons 1.4(b) and (d).

Summary

[1](#)1. (SBU) In a November 29 nationwide vote, Swiss voters stunned the Swiss government by approving an initiative by rightwing politicians to ban the construction of new minarets in Switzerland (reftel). Subsequent analysis by Swiss commentators suggests that polling data prior to the vote was skewed by the unwillingness of many persons to admit that they planned to vote in favor of the ban. Some commentators attribute the outcome in part to public fears of creeping Islamization, for which the vote might have been seen as a proxy. With no other options legally available, and in the face of a clear outcome in the vote, the Swiss government (Federal Council) announced that it will respect the decision of Swiss voters. It confirmed that the construction of new minarets in Switzerland is no longer permitted. The ban does not apply to the construction of mosques or to the already existing four minarets in Switzerland.

[1](#)2. (C) Speculation in Switzerland now turns to what could happen if the ban is challenged in court by an individual or group. In its recommendation to Swiss voters prior to the vote, the Federal Council argued that such a ban would "...violate religious freedom." It is unclear what would happen if such a challenge were to reach the Swiss Supreme Court, or the European Court of Human Rights. In the wake of the surprise passage of the ban, the Swiss government is bracing for the inevitable fallout and moving to counter the negative impact on Switzerland's international image and relations as much as possible. In doing so, the Federal Council has a very narrow margin for maneuver. For the Swiss people, the right to challenge and to contradict their elected officials in direct votes on policy issues is a sacrosanct principle of Switzerland's centuries old democracy. It seems inevitable that the ban eventually will face a legal challenge. End Summary.

PUNDITS AND POLLSTERS SURPRISED

[1](#)3. (SBU) In a November 29 nationwide vote, Swiss voters stunned the Swiss government by approving an initiative by rightwing politicians to ban the construction of new minarets in Switzerland (reftel). The final outcome was expected to be close, but up until the day of the vote, most political

observers expected the initiative would be rejected. Available polling data supported that assessment. Such expectations were upturned not only by the passage of the initiative, but by the strong support it received, with minaret opponents garnering 57.5 percent of the vote, including a majority of Swiss voters in 22 of Switzerland's 26 cantons. At 53.4 percent, voter turnout was relatively high for such nationwide initiatives/referendum. Two other topics were on the ballot November 29 -- one proposing to ban weapons exports from Switzerland (which did not pass), and one proposing to use some aircraft fuel revenues to fund the Swiss air traffic control system (which passed).

¶4. (SBU) Subsequent analysis by Swiss commentators suggests that polling data prior to the vote was skewed by an unwillingness of many persons questioned to admit that they planned to vote in favor of the ban. Another reason for the unexpected outcome was strong mobilization by the supporters of the initiative. Three of the four cantons whose majorities rejected the initiative (Geneva, Neuchatel, Vaud) are in Western Switzerland and have Muslim populations primarily constituted of immigrants from North Africa and the Middle East. Persons of Muslim faith living in Eastern Switzerland overwhelmingly immigrated from the Balkans (Kosovo) and Turkey. The fourth canton to reject the ban, Basel-City, is urban in nature, reflecting another split in the vote in which voters in rural areas of Switzerland voted more heavily in favor of the ban than voters in the cities.

GOVERNMENT REACTION

¶5. (SBU) With no other options legally available, and in the face of a clear outcome in the vote, the Swiss government (Federal Council) announced on November 29 that it would

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respect the decision of the Swiss voters regarding the ban. It confirmed that the construction of new minarets in Switzerland is no longer permitted. The Federal Council further clarified that the ban does not apply to the construction of mosques or to the already existing four minarets in Switzerland. In a press statement, the Federal council reiterated that the Federal Council and a clear majority of the Swiss Parliament had come out against the initiative. It further stated that the ban "...is not a rejection of the Muslim community, religion or culture. Of that the Federal Council gives its assurance."

¶6. (SBU) Justice Minister Widmer-Schlumpf assessed that the outcome of the vote "...reflects fears among the population of Islamic fundamentalist tendencies, which reject our national traditions and which could disregard our legal order." She went on to state that "these concerns have to be taken seriously," but dismissed the minaret ban as an appropriate way to counter extremism.

PUBLIC REACTION

¶7. (SBU) Swiss supporters of the initiative were elated and quite surprised by the result. Based on pre-election polling data, the referendum's organizers had so expected defeat that they had not even bothered to plan a victory party. However, Swiss Islamic organizations such as the Federation of Islamic Associations and the Coordination of Swiss Islamic Organizations expressed strong disappointment, especially over the degree of voter support for the measure, especially in Ticino and the German-speaking cantons. Islamic organizations agreed that proponents of the initiative were successful in sowing fears among the Swiss public that have nothing to do with the type of Islam practiced in Switzerland. They added that the referendum would fundamentally damage the image of Switzerland in the Muslim

world. This view was echoed by the Swiss Employers' Federation which expressed fears that the referendum would have negative consequences for Swiss business and that "it would endanger decade-long business relationships with Islamic countries." Business Federation Economie-Suisse President Gerold Bueher called for the government to be pro-active in explaining the vote and fostering exchanges of views, to minimize the potential damage. Amnesty international called the vote a violation of religious freedom that is incompatible with the human rights conventions which Switzerland has signed.

LEGAL IMPLICATIONS UNCLEAR

18. (SBU) Speculation in Switzerland now turns to what could happen if the ban -- which is enacted as an amendment to the Swiss constitution -- is challenged in court by an individual or group. In its recommendation to Swiss voters prior to the vote, the Federal Council argued that such a ban would "...violate important treaty-based international human rights guarantees, and would contradict central basic rights in (the Swiss) constitution. It would violate religious freedom." The Swiss Green Party already has announced it is contemplating a legal challenge. Justice Minister Widmer-Schlumpf has told the press that it is unclear what would happen if such a challenge were to reach the Swiss Supreme Court, or the European Court of Human Rights in Strasbourg. She reiterated that the ban is not consistent with Switzerland's international human rights commitments. However, she stopped short of saying how the Swiss government might react, were the European Court of Human Rights to strike down the ban, commenting only that the government would have to make a decision at that point, in light of the facts relevant to a concrete case.

COMMENT

19. (C) In the wake of the surprise passage of the ban, the Swiss government is bracing for the inevitable fallout and moving to counter the negative impact on Switzerland's international image and relations as much as possible. In doing so, the Federal Council has a very narrow margin for maneuver. The broad accessibility of referendums and popular initiatives in the Swiss political system is deeply anchored in Switzerland's constitutional and political traditions. For the Swiss people, the right to challenge and contradict their elected officials in direct votes on policy issues is

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sacrosanct -- perhaps even the main reason that the majority of Swiss reject the prospect of EU membership. The Federal Council has, by Swiss standards, been extraordinarily vocal and critical with regard to the initiative. However, it has no choice but to accept the result of the vote, and to manage the political and legal issues going forward.

110. (C) It seems inevitable that the ban eventually will face a legal challenge, either from a group or individual. Many Swiss, particularly urbanites and political elites, are deeply upset by the outcome, and still digesting its importance. The supporters of the initiative are triumphal, and already speaking publicly about future possible initiatives to ban the wearing of headscarves in the workplace, or to prevent students from being permitted to opt out of co-ed school swimming lessons on religious grounds. Further afield, but drawing on the same fears related to a rapid increase of immigration to Switzerland in recent years, some rightwing politicians see a new opportunity to re-open Switzerland's free movement of persons agreement with the EU. (Note: The expansion -- to Romania and Bulgaria -- and indefinite continuation of that agreement with the EU was confirmed by nearly 60 percent of Swiss voters in a

referendum in February 2009. End Note)

¶11. (C) The Swiss government has made a decision in principle in favor of resettling in Switzerland some detainees who are to be released from Guantanamo Bay. Swiss officials have reviewed in detail and very positively the cases of three such individuals. In late October, the GoS informed post that it was delaying moving forward with a final decision and announcement in the cases of the three individuals until after the vote on the anti-minaret initiative. Swiss officials feared that an announcement of a decision to resettle these individuals prior to the nationwide vote on the minaret ban would play into the hands of the ban's supporters. Post does not yet know how the unexpected outcome of the vote on the minaret ban will affect GoS thinking in the matter. We are following up with senior Swiss contacts to urge them to move forward soon with a positive decision and announcement on resettlements.

¶12. (C) The minaret ban is an emotionally-charged issue in Switzerland. In responding to press or other public queries, we believe it important for the USG to recognize that the Swiss government and majority of the Swiss Parliament have taken clear positions in favor of religious freedom. While emphasizing our own abiding commitment to supporting religious freedom, it would be counter-productive for the USG -- or any other national government -- to insert itself into the middle of what is still a very raw public debate. In anticipation of queries, post has forwarded to EUR proposed draft press guidance (ref B), and appreciates Department's timely assistance in providing guidance.

BEYER